IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION No. 3529 /2003

PETITIONER

Dr.Indira Chelani
Aged about 52 years
W/O Dr. S.K. Chelani
R/O Lal Bag,
Rajnandgaon
Distt. Rajnandgaon
(C.G.).

P. R. No. 3334/03
Presented by shri Sandeep Dubey
dated 29.10.03

VERSUS

RESPONDENTS

1. State of Chhattisgarh
Through Principal
Secretary
Public Health Medical
Education and
Family Welfare
Department
D.K.S. Bhavan
Raipur (Chhattisgarh)

RECEIVED-COPY
29.10.03
Clerk to A. G. Bilaspur

2. Chief Medical Officer
District Hospital
Rajnandgaon
(Chhattisgarh)

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT OF CERTIORARI AND MANDAMUS AND PROHIBITION AND OTHER WRITS AND DIRECTIONS:

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 3529/03 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10.11.2005

Petitioner by Shri Jitendra Pali, Advocate.

Respondents by Shri Pankaj Shrivastava, Panel lawyer.

The petitioner has filed this petition seeking direction against the respondents for making payments of pensionary benefits due to the petitioner including all consequential benefits w.e.f. 1.6.1999 with interest at the rate of 18% per annum.

The respondents No. 1 and 2 have filed their reply on 6.12.2004 wherein in para-11 the respondents have accepted the entitlement of the petitioner of retiral benefits in following terms. "As the impugned action of the State is out come of a clerical mistake, it is submitted that in substance the petitioner is entitled all the retiral benefits, treating her as having retired voluntary with effect from 31.5.1999".

In view of the admission of the respondents, nothing survives in the matter and the respondents are directed to release all the pensionary benefits due to the petitioner including all consequential benefits w.e.f. 1.6.199 within a period of two months from today.

With regard to the interest learned counsel for the respondents No. 1 and 2 submits that since the respondents have admitted and agreed for payment of pensionary benefits, no interest should be granted.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

WP 3529/03

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Having regard to the facts and circumstances of the case, when the petitioner was retired on 1.6.1999 there is no reason to deny the interest to the petitioner on the amount which became due long back. The pension ought to have been paid within a reasonable period. The respondents have put the petitioner to a disadvantageous position and the petitioner could not enjoy the amount which she was entitled to receive at the time of retirement. Accordingly, the petitioner is entitled to the interest at the rate of 9% per annum from 1.6.1999 till the payment is made.

In view of the foregoing, the petition is allowed.

Certified copy, as per Rules.

Sd/-
Satish K. Agnihotri
Judge

SP/FS/2005 - 20,000